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LAND SPECULATION AS A CAUSE OF THE TEXAS  
REVOLUTION.

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1. *Introduction: the Colonization Laws.*

In 1834 and 1835 some large grants of land were made to speculators by the legislature of Coahuila and Texas. The sale of four hundred leagues by an act of March 14, 1835, to replenish the empty treasury of the State was especially resented by the Texans as an exploitation of their own resources for the benefit of Coahuila. To understand all the circumstances, it will first be necessary to review some features of the Mexican colonization laws.

The colonization law of Coahuila and Texas was promulgated on the 24th of March, 1825, in accordance with the national decree of August 18, 1824. Foreigners were invited to settle freely in the country, and live for ten years exempt from taxation, provided they took the oath of allegiance. To each married man who desired to farm a labor, or 177 acres, of land was given; if he wished also to raise cattle, he received an additional twenty-four labors of grazing land, making a *sitio*, or league, of 4428 acres in all. Settlers were required to pay for this amount of land a nominal sum—\$30 for a *sitio* of grazing land, and \$2.50 for a labor of unirrigable and \$3.50 for a labor of irrigable farming land. Payments might be made in three instalments, beginning the fourth year after settlement. The *empresario* system was recognized, and contractors were allowed for each hundred families that they introduced a premium of five leagues and five labors, provided that they should not receive a premium for more than eight hundred families—which would enable them to acquire forty-one leagues and fifteen labors.<sup>1</sup> Of this amount, however, they could keep only eleven leagues, being required to alienate the excess within twelve years. For the purpose of this paper it is important to note that the government reserved the right to sell to Mexicans,

<sup>1</sup>Forty leagues of grazing land and forty labors, or a league and fifteen labors, of farming land.—EDITOR QUARTERLY.

only, such land as they desired, not exceeding eleven leagues to one person; that no grant was to be made within twenty leagues of a foreign state without the approval of the supreme government; and that no one who did not reside in the Republic could retain a title to any land therein. These last two conditions and the eleven league limit were imposed by the national colonization law, and were simply incorporated in the state law.<sup>1</sup>

## 2. *The Speculations.*

*Eleven-league grants.*—The speculation in Texas lands seems to have grown out of this right of the government to sell to Mexicans. The law fixed the price to them at \$100, \$150, and \$250 per league respectively of pasture, unirrigable, and irrigable farming land. The first sale by the government was made to Juan Antonio Padilla, in 1828. During the next two years only a few sales were made, but in 1830 James Bowie went to Saltillo, at that time the capital of Coahuila and Texas, and returned with fifteen or sixteen eleven-league grants, which he had induced Mexican citizens to apply for and had then purchased from them.<sup>2</sup> Other Mexicans, some of them as far away as the City of Mexico—perceiving a chance of profit, also applied for eleven-league grants, and received them.<sup>3</sup> Doubtless from this time dated a considerable traffic. This may be inferred from a letter written by Dr. Asa Hoxey to R. M. Williamson in December, 1832. Writing from Montgomery, Alabama, whither he had gone on business from Texas, Dr. Hoxey said: "You mentioned in your last letter that you believed Mexican grants of eleven leagues could be procured for a reasonable sum, if so you will perceive by the enclosed proposition that Mr. Edward Hanrick, George Whitman and myself are disposed to procure some of them."<sup>4</sup> Later testimony shows that the traffic became very extensive. In February, 1835, B. R. Milam petitioned the political

<sup>1</sup>Colonization Law of Coahuila and Texas, in Gammel, *Laws of Texas*, 99-106; National Colonization Law, articles 4, 12, 15, in Gammel, *Laws of Texas*, I 97-98.

<sup>2</sup>Statement of Samuel M. Williams, in 1840, to Robert Potter, Chairman of Committee on Public Lands, supplement to House Journal of Fifth Congress (of Texas), p. 369.

<sup>3</sup>*Ibid.*

<sup>4</sup>THE QUARTERLY, IX 285.

chief to ask the governor to appoint special commissioners to assign lands and titles to isolated families in Texas, and gave as the reason for his request that many people who had come to Texas eight or ten years before under the terms of the colonization law and had settled on vacant lands and taken the oath of allegiance to Mexico had during the last year "been surveyed in and attempted to be dispossessed by *foreigners* and others under pretended eleven-league grants." His efforts as *empresario* and those of the state "to colonize designated portions of the lands of Texas," were, he said, "in great danger of being defeated by the claimants of eleven-league grants." And Thomas F. McKinney, writing in October, 1835, said that the government had been in the habit of issuing great numbers of these eleven-league grants at from \$100 to \$150 a league. There had never been any "hue and cry" raised against it, many of the best citizens had engaged in the business, and some of them held grants in their name for friends residing in the United States.<sup>1</sup>

But in 1834 and 1835 a bewildering series of laws was passed which opened wide the gates to speculation on a wholesale scale.

*The law of March 26, 1834.*—The first law (March 26, 1834) decreed that the vacant lands of the state should be surveyed in lots of 177 acres each, and sold at public auction to the highest bidder at a minimum in Texas of ten dollars a lot. Payments were to be made in three instalments, one-third down and the balance in one and two years. Nobody was to be permitted to buy more than eleven leagues, but the law was particularly liberal in that it allowed foreigners to purchase and gave them a year in which to move their families to the state and become naturalized—which was necessary for the perfection of their titles. Another liberal feature provided that no one should be molested for religious or political opinions so long as he kept the peace. And, finally, it was decreed that no further colonization contracts should be entered into, which meant, of course, that the profits formerly accruing to the *empresarios* in premiums would now go to the government.<sup>2</sup> By a supplementary law of

<sup>1</sup>*The Texas Republican*, March 28, and October 24, 1835.

<sup>2</sup>The law also provided that settlers who were already in Texas and not attached to any *empresario's* colony—especially those of Nacogdoches and the eastern frontier—should receive titles to the lands due them, and

April 23, 1834, it was decreed that after the lands had been "once exposed at public sale with all the formalities," if no offer were received as high as the minimum, they might later be sold to any person offering the minimum price "without the necessity of again opening the auction."<sup>1</sup>

That advantage was taken of this law for speculative purposes does not positively appear—perhaps the eleven-league limit made it unattractive,—but the supplementary decree certainly does suggest a clearing of the decks for rapid action. And Judge T. J. Chambers, writing in 1837, declared that only by his efforts was defeated the proposal of a "foreign millionaire company," whose agent was Gen. John T. Mason, to purchase for a "pittance" some twenty million acres of land on the eastern frontier. "He was informed by several means," he said, "that members of the legislature and the governor were offered large bribes to pass the measure; the governor was pledged to him to veto the bill if it passed, but fortunately a majority of the members were honest and killed it."<sup>2</sup> Mason did, however, secure a large grant during this session of the legislature, and after reviewing all the evidence it is not altogether clear that he did not get it under some extension of this law.

*The law of April 19, 1834.*—The second law affecting the public lands was passed April 19, 1834. "With the intention," runs the preamble, "of protecting the lives and property of the citizens, constantly sacrificed to the perfidy, rage, and barbarity of the hostile Indians, and desirous that so important and sacred an object may be accomplished without giving additional care to the general government, . . . the congress of the state . . . has thought proper to decree:

"Art. 1. The executive, availing himself of the resources of the state, shall repress the ferocity of the savages. . . .

"Art. 2. For said object the executive may dispose of such num-

333 persons took advantage of the opportunity to obtain titles to an aggregate of 325 leagues of land.—John P. Borden, Land Commissioner, to Robert Potter, Chairman of the Committee on Public Lands, in Supplement to House Journal, Fifth Congress (of Texas), p. 347.

<sup>1</sup>Decrees of Coahuila and Texas, Nos. 272 and 280, in Gammel, *Laws of Texas*, I 357-62 and 382.

<sup>2</sup>*Sketch of the Life of Gen. T. J. Chambers of Texas*, by his nephew, Wm. N. Chambers, of Liberty county (Galveston, 1853), p. 36, quoting from a pamphlet published by T. J. Chambers in 1837.

ber as he shall consider necessary of the militia which the state has in the departments wherein hostilities are committed, and for paying or remunerating the militiamen, he may take of the vacant lands to the amount of four hundred *sitios*, distributing them agreeably to the rules and conditions he shall establish.

"Art. 3. For the present twenty thousand dollars are hereby appropriated, of the first receipts of the state treasury for sales of lands made by virtue of the law on the subject."<sup>1</sup> Just a year later, April 14, 1835, another law declared that the executive could not dispose of the four hundred *sitios* of land mentioned in article 2nd of this law, "except solely for the object which said law determines"; but "agreeably to the aforementioned law the executive has been, and is, authorized to contract the aforementioned lands, or to distribute them, as he shall think most proper, among the militia men, who prosecute the war against the savages."<sup>2</sup>

It was under this law of April 19, 1834, that S. M. Williams, Robert Peebles, and F. W. Johnson obtained their grant for four hundred leagues, as will later appear. But Chambers declares that Mason also manipulated it to accomplish on a comparatively small scale what Chambers had previously prevented his doing on a very large one. Chambers's statement, in brief, is, that the Indians really were troubling the frontiers and that the law was passed in good faith to provide a means of suppressing them. It was the intention of the law that the land should be distributed to the militia, and not sold, but by a trick in the enrolment of the bill it was so changed as to authorize the governor to sell it to anybody,<sup>3</sup>

<sup>1</sup>Decree No. 278, in Gammel, *Laws of Texas*, I 270-71. Articles 2 and 3 are important, therefore it may be advisable to give the Spanish:

"Art. 2. A este fin dispondrá en el número que concidére necesario de la milicia que el Estado tiene en los departamentos hostilizados, y para pagar ó premiar á los milicianos podrá hechar mano de las tierras valdías hasta en cantidad de cuatrocientos sitios, repartiendolos bajo las reglas y condiciones que establezca.

"Art. 3. Por ahora se designan viente mil pesos de lo primero que ingrese al tesoro del Estado, por las ventas de tierras que se hagan en virtud de la ley de la materia."—*Laws of Coahuila and Texas*.

<sup>2</sup>Decree No. 299, in Gammel, *Laws of Texas*, I 397.

<sup>3</sup>Pamphlet of Wm. N. Chambers, 37; Yoakum, *History of Texas*, I 321, note. Chamber's own explanation of the trick is as follows: "The article of the decree relating to the subject . . . provided that the troops should be paid, or rewarded, with vacant lands, in the following terms: "*Y para pagar ó premiar á los milicianos podrá hechar mano de las tierras valdías hasta en cantidad de cuatro cientos sitios, repartiendolos bajo las reglas y condiciones que establezca.*" These were the terms

and he implies that Mason took it all. Mason did get hold of some land—how much is uncertain—in 1834, under a contract dated June 19,<sup>1</sup> but that it was granted by authority of this law is not clear. Chambers's story of the trick of enrolment, though it is clever and may be true, is, in view of the evidence, somewhat improbable. If the land was to be distributed only to the soldiers, and not sold, what is the meaning of article 3 (see above, page 80), which appropriates \$20,000 "of the first receipts of the state treasury for sales of lands made by virtue of the law on the subject"? And does not the supplementary law of April 14, 1835, declaring that the governor shall only dispose of the lands for the purpose designated in the original law, suggest the inference that the four hundred leagues had not up to that time been sold at all? The whole matter is extremely confused and the only positive statement that one feels warranted in making, until further evidence develops, is that Mason got a grant in June, 1834, for ninety-five leagues, certainly, probably for ~~three~~ hundred leagues, and possibly for more. He may have obtained it by a manipulation of the law of March 26, or by the law of April 19—though the latter is im-

in which it received the sanction of Congress, and, if it had remained thus expressed, the executive could never had sold the land to speculators. For *repartiendoselos* is a compound word, composed of the participle of the verb *repartir* (to divide among), and the two pronouns *se* and *los*, one of which refers to the land and the other to the troops; making it obligatory upon the executive to *divide the land among the troops*. But the ingenious member caused the pronoun *se*, referring to the troops, to be omitted in engrossing the decree; and it received the sanction of the executive, and was published as a law, with the compound word changed into *repartiendolos*, leaving the executive free to dispose of the four hundred leagues of land, by dividing them out, without determining among whom."

<sup>1</sup>The statement of Land Commissioner John P. Borden, in the Supplement to the House Journal of the Fifth Congress (1840), p. 347, shows that under Mason's contract, dated June 19, 1834, there were issued by his agent, James Bowie, nine titles for an aggregate of ninety-five leagues. I have been unable to find these titles in the Land Office, though it is possible they are still there. Samuel M. Williams, in an address to the people of Texas, July, 1835, declared that Mason's grant was for 300 leagues. (See *The Texas Republican*, July 25, 1835, in the Austin Papers. Brown (*History of Texas*, I 261) says that the Legislature of 1834 squandered "to dishonest speculators eleven hundred leagues of land in one transaction and four hundred leagues in another." He implies that it was done after July, 1834, but goes on to say that "the Constitution mentions by name John T. Mason, of New York, as chief beneficiary in this wholesale squandering of the public domain." He gives no authority for his figures. Kennedy (*Texas*, II 83) simply says, "An immense extent of the domain of Texas had been granted in 1834 to John T. Mason, of New York."

probable—or, finally, he may have gotten it by some private arrangement of which we know nothing.

*The law of March 14, 1835.*—The next law in the series, passed March 14, 1835, authorized the governor, in order to meet “the present exigencies of the state,” to dispose of the public land to the amount of four hundred leagues. Article 2 allowed him to regulate the colonization of this land on such conditions as he thought proper, “without subjection to the provision of the law of the 26th of March of the year last past.” As an afterthought, it occurred to the legislature that this might be interpreted too liberally, and two weeks later (March 30) another decree explained that the governor was, of course, to consider himself “subject to the general laws of the union.”<sup>1</sup>

Under this act S. M. Williams and John Durst obtained a hundred and twenty-four leagues,<sup>2</sup> and we have it on the authority of the legislature that other contracts were made for the remainder of the four hundred leagues,<sup>3</sup> but by whom we do not know, since the grants appear never to have been located. Williams and Durst immediately re-sold a hundred and twenty-one leagues of their grant to fourteen persons, mainly in blocks of ten leagues each, which were located principally in the present counties of Harrison, Nacogdoches, and Red River.

The national congress hearing of this law of March 14, annulled it by a decree of April 25. The reason assigned was that the law was contrary in articles 1 and 2 to the national colonization law of August 18, 1824. The decree declared moreover, that “by virtue of the authority reserved to the general congress in article 7 of the law of August 18, 1824,<sup>4</sup> frontier and coast states were forbidden to alienate their vacant lands for colonization until rules could be established to govern the same. In the meantime, if any state wished to sell a part of its vacant domain, it must first secure the approval of the general government, which should in every case

<sup>1</sup>Decrees Nos. 293 and 295, in Gammel, *Laws of Texas*, I 391-92, 393.

<sup>2</sup>Land Titles, Vol. 34, in the General Land Office.

<sup>3</sup>Laws and Decrees of Coahuila and Texas, in Gammel, *Laws of Texas*, I 412.

<sup>4</sup>This article is as follows: “Until the year 1840 the general Congress shall not prohibit the admission of foreigners to colonize, excepting, indeed, circumstances should imperiously oblige it so to do, with regard to the individuals of any nation.” Gammel, *Laws of Texas*, I 97. It is not easy to see the bearing of this article upon the point in question.



have the right to take the land for itself and pay the state a suitable indemnity for it. Therefore, in conformity with articles 3 and 4 of the law of April 6, 1830,<sup>1</sup> the general government might buy from the state of Coahuila and Texas the four hundred leagues of land which it was said to be necessary to sell."<sup>2</sup> Replying, May 15, the legislature expressed its "extreme regret" at the "impossibility of fulfilling the decree of the general congress." Not an article, it declared, in the whole law of August 18, 1824, applied to article 1 of the law in question, and, as regards article 2, the governor had been expressly instructed to guide himself in his rules for the settlement of the lands by the national law. Continuing, the memorial said: "This legislature has read and deliberately weighed the literal text of article 7th of the general law [referred to by the law] of the 25th of April last, and does not find, either in the letter or the spirit of the former, the reasons of the latter for prohibiting the border and literal [littoral] states from alienating their vacant lands for colonizing thereon." The land was already sold and part of the purchase price had been received, the contracts were made in good faith and were not opposed to the general law; therefore the legislature prayed congress to repeal its decree of April 25.<sup>3</sup> Here the matter rested until the approach of federal troops put the legislature to flight.

In an opinion of some four thousand words David G. Burnet, late in 1835, upheld the right of the general government to annul these sales.<sup>4</sup>

*The law of April 7, 1835.*—The next and final law of which advantage was taken to sell Texas land was passed

"Art. 3. The government may name one or more commissioners to visit the colonies of the frontier States, and regulate with their Legislatures the purchase of those lands which they consider suitable for the establishment of colonies of Mexicans, or any other nation in favor of the federation. . . .

"Art. 4. The executive may take possession of the lands which he deems necessary for the purpose of constructing thereon fortifications and arsenals and for new colonies, indemnifying the States by subtracting the value of said lands from duties due to the federation." Dublan y Lozano, *Legislación Mexicana*, II 238.

<sup>1</sup>Arrillaga, *Recopilación de Leyes y Decretos*, X 145. Newell, *History of the Revolution in Texas* (New York, 1838), p. 40, says, erroneously, that the law was annulled because the State was in arrears for its share of the national debt.

<sup>2</sup>"Laws and Decrees of Coahuila and Texas," in Gammel, *Laws of Texas*, I 301-3.

<sup>3</sup>Pamphlet in the Austin Papers.

April 7, 1835. News had been received that General Cos had ordered troops to march on Monclova and suppress the legislature, and that body forthwith authorized the governor "to take of himself whatever measures he might think proper for securing the public tranquillity and sustaining the authorities in the free exercise of their functions." Article 4 declared that "The executive is hereby competently authorized to contract loans upon the state rents for the purpose of discharging the expense incurred in the execution of this decree."<sup>1</sup> It is somewhat surprising to find that the governor considered this as sufficient authority to dispose of more Texas land. Perhaps he thought that at all times a "proper measure." At any rate, on May 2d, Dr. James Grant was allowed to contract for a quantity of certificates for one league each. One hundred of these he sold in Nacogdoches through his agent, Alexander Newlands, and the titles were issued by John Cameron after the closing of the land offices. Besides these, James Ogilvy, an attorney of New Orleans, wrote in 1839 that Grant's heirs had in their possession three hundred similar certificates, and that he had been interested in five hundred altogether. The face of the certificates shows that the price was paid in full but does not specify what it was. Ogilvy intimates, however, that Grant paid \$100 a league.<sup>2</sup> It is possible that some of the certificates referred to by Ogilvy were purchased under the law of March 14.

*The grant to Williams, Peebles, and Johnson.*—Enough has been said, perhaps to show that the transgression of Williams, Peebles, and Johnson in the final speculation was by no means unique. It was not even novel in its magnitude, though it may have been somewhat original in method. On the 11th of May, 1835, they addressed a note to the governor, saying that they had "informed themselves of the tenor of the law of April 19, 1834, empowering him to dispose of four hundred leagues of land and restrain the arrogance of the wild Indians. We "have conceived the idea," they continued, "of blending the object of this benevolent design with the augmentation of the population by means

<sup>1</sup>Decree No. 297, *Laws and Decrees of Coahuila and Texas*, in Gammel, *Laws of Texas*, I 394.

<sup>2</sup>Volume 34 of Titles in the General Land Office; Supplement to the House Journal of the Fifth Congress, p. 347; Ogilvy to Packenham, August 20, 1839, Diplomatic Correspondence in the Texas State Library.

of a contract, which we offer your Excellency, strictly and literally to fulfill. We obligate ourselves to place, subject to the orders of your Excellency, one thousand able-bodied men, with all their equipments of war for the term of one year, and we will cause them to rendezvous at the place which may be designated to us within the term of four months at most, on the condition that, in compensation for our labors, the four hundred leagues of land be granted to us." The governor approved the proposal, and two days later a formal contract was signed. The petitioners were required to raise by voluntary enlistment within two months five hundred men, and within four months the whole number of one thousand. They were to be provided by the contractors with good arms and an abundance of ammunition at all times; but the government would furnish them food and horses. Article 12 declared that failure to fulfill any of the stipulations would render the whole contract void.<sup>1</sup> No pecuniary consideration is mentioned in the contract, but it is not certain that the contractors were not also required to pay a nominal sum for their grant. For D. B. Edward declares that "A committee [headed by S. M. Williams] from a company of Land speculators, whose plans were well laid and whose funds were completely organized, presented themselves before this . . . Legislature; who immediately passed a decree to *sell* the vacant lands of Texas, and otherwise arranged it to be done as soon as bidders should present themselves. Of course they were there—and purchased this already surveyed land, of 411 leagues, for 30,000 dollars in hand, to the Government."<sup>2</sup> This statement, with slight variations, appears in most of the subsequent histories of Texas<sup>3</sup> It may refer to this contract by Williams, Peebles, and Johnson, or to some of the other purchases that were made in 1835. Johnson himself, in a review (MS.) of Edward's *History of Texas*, replied to this charge with an emphatic denial that either he or his associates "bought

<sup>1</sup>Supplement to the House Journal of the Fifth Congress, 329-32.

<sup>2</sup>Edward, *History of Texas*, 236.

<sup>3</sup>See Newell, *History of the Revolution of Texas*, etc., New York, 1838, pp. 40-41; Leclerc, *Le Texas et Sa Révolution*, Paris, 1840, pp. 68-69; Kennedy, *Texas*, etc., London, 1841, Vol. II, pp. 83-84; Foote, *Texas and the Texans*, Philadelphia, 1841, Vol. II, pp. 57-58; Maillard, *The History of the Republic of Texas*, etc., London, 1842, p. 77; Yoakum, *History of Texas*, I 320-21, 331-32; Baneroft, *North Mexican States and Texas*, II 149; Brown, *History of Texas*, I 261-62.

one acre of land or were in any way interested in the purchase of said land." A natural inference to be drawn from this statement would be that they got no land at all, which, of course, is untrue. To save Johnson's veracity, therefore, the possible explanation presents itself that no money passed in this deal, and that the contractors viewed themselves merely as *empresarios*, who were to get their premium by selling the lands to militia men.

Johnson's own account of his presence at Monclova upon this occasion is interesting, but throws little additional light on the land speculations. He says: "Desiring to be present and witness the proceedings of the State Congress, Johnson, with Samuel M. Williams, Doctor Robert Peebles, Major Benjamin F. Smith, Colonel Green DeWitt, together with some Mexican scouts, left in the latter part of 1834 for the seat of government, Monclova, where they arrived in the early part of 1835. . . . [Here] we found Colonel Benjamin R. Milam, Thomas J. Chambers, W. H. Steel, Haden Edwards, Jr., James Carter, and many other colonists. Here Johnson first made the acquaintance of Doctor James Grant, of Parras, Coahuila, who was a delegate, Doctor John Cameron, Messrs. Alney and Newlands; also that of David J. Toler, a most estimable gentleman. . . . General John T. Mason, of the United States, arrived about this time for the purpose of having confirmed a sale made by the Legislature or executive the year previous.

"Among the most important acts of this Congress was a decree authorizing the appointment of commissioners for Texas. . . . Under the decree George A. Nixon, George W. Smyth, and Charles S. Taylor, were appointed for Eastern Texas; Colonel Talbot Chambers, for Milam's Colony; Doctor Robert Peebles, for Austin and Williams' upper Colony; and Johnson for Austin and DeWitt's colony. Bowie was appointed commissioner for General Mason's purchase. The State Treasury *then* being empty, the executive was authorized to sell a large quantity of the public lands of the State to meet the current wants of the government; and another decree [was passed] placing at the disposal of the governor four hundred leagues for frontier defense and protection. These acts gave great offence to the Federal authorities, and the Congress declared them null and void. To this, the state authorities simply protested, and

left the matter to take its course, pursuing, however, the policy inaugurated."<sup>1</sup>

News now arrived that troops were marching toward Monclova, and there was a hasty exodus of the Texans and other lobbyists. Williams arrived at Bexar June 3<sup>d</sup> and Peebles and Johnson reached San Felipe a few days behind him. Williams, as we have already seen, had acquired with John Durst a hundred and twenty-four leagues under the law of March 14, 1835, and apparently devoted himself principally to the sale of that grant, while Peebles and Johnson assumed the task of disposing of the four hundred leagues in which all three were interested. A hundred and twenty-one leagues of the Williams and Durst grant, as has already been shown, were soon sold, and Peebles and Johnson worked with equal celerity. By August 20, certificates had been issued to forty-one persons for the full four hundred leagues. Fifteen of the certificates were issued by Johnson and the remaining twenty-six by Peebles. They merely state that Citizen So and So 'has voluntarily entered the service of the state of Coahuila and Texas as a soldier for the term of one year, and Williams, Peebles, and Johnson are by their contract authorized to receive his enlistment and designate a portion of the vacant land as a reward for the services which he will render, therefore they give their consent for him to select for himself such land as he likes—usually ten leagues of it."<sup>2</sup> Their contract to place a thousand men in the field was entirely ignored.

### 3. *The Effect of the Speculations Upon the Texans.*

The large grants of 1834 appear not to have attracted particular attention in Texas, but the deals of 1835—especially under the law of March 14—aroused great indignation. Little authority appears, however, for the statement frequently met with in the histories of Texas, that the legislature thought the separation of Coahuila and Texas imminent and determined to plunder the latter while there was yet time. The earliest expression of this theory is

<sup>1</sup>Johnson's autobiography (MS.).

<sup>2</sup>Angel Navarro to Juan Zenteno, June 4, 1835, Bexar Archives; Johnson's Autobiography (MS.).

<sup>3</sup>Volume 34 of Titles in the General Land Office.

in a pamphlet printed by T. J. Chambers in 1837, but in all the discussions aroused by the act of March 14, 1835, this explanation is absent. Austin, indeed, writing to D. C. Barrett, December 3, 1835,<sup>1</sup> declared the acts of 1834 and 1835 all of a piece with general Mexican policy, both National and State. The Mexicans, he said, considered the lands valueless—this was evidenced by the whole history of the colonization period,—the treasury was empty, and the sale of the land promised the only relief. He blamed neither the legislators nor the speculators for the sale itself, but the sale certainly did illustrate the defectiveness of the government from the Texan point of view.

The earliest expression of disgust with the wasteful policy of the government is found in *The Texas Republican* of May 9, 1835. An address from Governor Viesca, calling upon the people of Texas to rally to his assistance against Santa Anna, was printed in this issue, and the editor introduces it with the remark that he prints it as a news item solely, and not with the view of endorsing the governor's call for troops "to sustain him and a vile congress that have bartered our public lands for a mere song." In the same paper is also the answer of the political chief of the Brazos Department to the governor's appeal. He says: "The people view with equal horror and indignation the acts of the present State Congress who have manifested a determined disposition to alienate all the most valuable lands of Texas at a shameful sacrifice, and thereby utterly ruin her future prospects. The law of the 14th of March past is looked upon as the death-blow to this rising country. In violation of the General Constitution and laws of the Nation—in violation of good faith and the most sacred guarantees—Congress has trampled upon the rights of the people and the Government, in selling FOUR HUNDRED LEAGUES of land at private sale, at a price far below its value; thereby creating a monopoly contrary to law and the true interests of the country."<sup>2</sup> Accompanying the governor's proclamation was a rather alarmist postscript signed by *Coahuiltecanus*, and Henry Austin, in referring to it, suggested that "this firebrand has been thrown among us to promote the views of designing speculators."

<sup>1</sup>Archives of Texas, Records, Vol. 1, pp. 54-58, in the State Department.

<sup>2</sup>One hundred and twenty-four leagues of this amount was sold to Williams and Durst. Who bought the rest is unknown. See page 82 above.

After the dispersion of the legislature and the arrest of the governor by the federal troops, the political chief, J. B. Miller, called for volunteers to march to the latter's relief. His proclamation was received in Columbia June 23, and the citizens immediately met to consider it. A writer in *The Texas Republican* of June 27, said concerning this meeting that however much the citizens might differ on some points they all agreed upon the necessity for union and organization. "One act of the late governor and congress," he continues, "is highly obnoxious, . . . the selling of the public land. This shameful bartering . . . calls . . . for the indignation of every patriotic citizen. If the purchasers could be induced to abrogate that sale, it would be like 'pouring oil upon the troubled waters;' it would secure union, organization, and success. But perhaps this would be asking too much of poor, blind human nature, and perhaps they are yet destined to experience the fate of the boy, who in attempting to take preserves from the jar grasped so many that he could not extract his hand. After all, I fear (if dissension is to rise amongst us) that this will be the rock upon which we will split." The writer, however, was of the opinion that the measures of the general government had been rather rigorous and were probably actuated by some motive other than the simple desire to quash the speculations. In any event, he thought that nothing could be lost by "union and organization."

This extract suggests the attitude of most Texans who were not entirely indifferent. General Cos had explained that the march of troops to Monclova was for the purpose of settling the quarrel between that place and Saltillo concerning the location of the government, and of stopping the squandering of the public lands. The law of March 14, he said, was passed by the Federalists—without, he erroneously declared, subjecting the sale of the four hundred leagues to the general laws—with the object of pleasing the colonists of Texas and securing their support against the Centralists.<sup>1</sup> The comparatively small war party saw in this avowal merely a pretext to cover the real object of furthering Santa Anna's plan of Centralism, but most of the colonists took it in good faith and

<sup>1</sup>Written by Cos from Matamoras in May, 1835. A clipping with no date from *The Texas Republican*, in the Austin Papers.

were inclined to suspect that those who did not were implicated in the speculation. Against this disposition R. M. Williamson pleads earnestly in an address issued the 4th of July. He says, I have been your fellow-citizen for years, and you can not believe that I am influenced by speculation. On the honor of a man I assure you that I have all to lose and nothing to gain by the disturbances of our country; and I am in no way connected with the speculation or the speculators. . . . You are in the midst of a revolution that threatens your destruction. . . . You are lulled to sleep in the belief that speculation alone has created the present excitement. But . . . examine for yourselves the late movements of the general government, . . . and you will perceive that so far from speculation having anything to do with the present subject,, that the troops of the general government are on their march to Texas, for the purpose of compelling you either to leave the country or submit to an imperial government with strong military stations in your country to awe and keep you in subjection. . . . The sale of the four hundred leagues of land has nothing to do with the subject. You are justly indignant at that sale . . . but that can and ought to have no weight with the public mind at this time. . . . General Cos writes to the commandant at Anahuac that the two companies of New Leon and the Morales [Morelos] Battalion would sail immediately for Texas and that they would be followed by another strong force. . . . Colonel Ugartechea says that the business of Texas will be soon regulated, as the government has ordered a large division . . . to Texas which are now at Saltillo; that force is three thousand four hundred men.

For what, Fellow-Citizens, are they coming? In the name of God say not speculation; they are coming to compell you into obedience to the new form of Government; to compell you to give up your arms; to compell you to have your country garrisoned; to compell you to liberate your slaves; to compell you to swear to support and sustain the government of the Dictator; to compell you to submit to the imperial rule of the aristocracy, to pay tithes and adoration to the clergy.”<sup>1</sup>

The other side is illustrated by a letter from T. J. Chambers of

<sup>1</sup>Circular, printed by T. C. Gray.



the same date. He said, "The simple facts are these: The administration of the government of the state during the present year has been of the most shameful character. . . . A law was obtained for the sale of four hundred leagues of vacant land and the most shameless acts of speculation were committed against the state and the interests of Texas. . . . The purchasers and those interested in them and a few others who have been deceived by them are [responsible for] the reports which you have heard, and which I trust the colonists will pay no further attention to than to treat with contempt and indignation, etc. The movement of troops towards Texas has in my opinion no other object than to meet and counteract the revolution which the general government had grounds to believe would be attempted by those individuals."<sup>1</sup> James Kerr, writing the next day to Chambers states the situation more forcibly. "At San Felipe," he says, "Williams, Johnson, Carbajal, Bowie, and others cry, 'wolf, wolf, condemnation, destruction, war, to arms, to arms!' Williams says, 'I have bought a few leagues of land from the government; but if they don't bring the governor to Bexar, I shall not be able to get my titles.' What a pity; and with his terrible tales I am astonished to see that they have had the cleverness to excite some persons of that colony to a high degree. . . . There is not in my opinion, in all the country one single person, with the exception of the interested ones, who would wittingly seek his own ruin in order to save thousands like Williams and the others. But they have been able to deceive many persons and make them believe that *an army is coming to destroy their property and annihilate their rights* in Texas. . . . The inhabitants of La Vaca and Navidad are inclined to attend to their ranches and estates."<sup>2</sup> July 11, Edward Gritten wrote to General Cos that "All the inhabitants of Texas protest against the conduct of the land speculators, but they will unite themselves unanimously

<sup>1</sup>Chambers to James H. C. Miller, July 4, 1835, in *The Texas Republican*, July 18, 1835. This is wholly inconsistent with a statement made by Chambers in 1837 to the effect that he came post haste from Monclova to warn the Texans of their danger and was unable to arouse them because of the pacific influence exerted by the speculators, who had concluded that revolution would not be to their interest.—Sketch of the life of Gen. T. J. Chambers, of Texas, p. 34 (described above).

<sup>2</sup>James Kerr to T. J. Chambers, July 5, 1835. Bexar Archives. Copy, translated into Spanish by Chambers.

against the Mexicans."<sup>1</sup> This is in agreement with a letter from Travis to Andrew Briscoe, July 6. He says: "The 400 League Purchase and the authors of it will, I think, sink into insignificance. Public indignation is properly kindled against them."<sup>2</sup>

Stung by the direct attacks upon himself, Williams published a statement, July 20, explaining his attitude in the matter of the speculation. He had no agency, he declared, in the passage of the law of March 14, which seemed to arouse the greatest indignation; there was no trickery about it, anyway. The treasury had not a dollar in it, and a speedy sale of some of the vacant land promised the quickest relief; "precedent had been given by the previous legislature in decreeing the alienation of 400 leagues of public lands, and as the land had been disposed of and no opposition made to it by the General Government or by those most interested, the people of Texas," the expedient was resorted to again, though "it was generally esteemed to be impolitic." "General John T. Mason," he continued, "purchased last year, in the month of May or June 300 leagues, and no excitement was, or even has been created by that sale. As an individual I could not conceive that what was tolerated by the people of Texas in General Mason could in me be criminal, . . . and although I anticipated realizing a good profit on my investment, I never did intend that the holding of it should ever interfere with the improvement and advancement of the country."<sup>3</sup>

By the middle of August most of the Texans who thought about the matter at all had concluded that Santa Anna had other designs than the punishment of the land speculators in Texas, and greater unanimity was soon manifested in their call for a consultation.<sup>4</sup> And with the actual invasion of Texas and the meeting of the consultation the question passed into a new stage.

#### 4. *The Abrogation of the Questionable Grants.*

A central executive committee called the "permanent council" was organized at San Felipe October 11, and on Sunday, the 18th,

<sup>1</sup>Gritten to Cos, July 11, 1835. Bexar Archives.

<sup>2</sup>Brown, *Life of Henry Smith*, 60.

<sup>3</sup>*The Texas Republican*, July 25, 1835.

<sup>4</sup>Resolutions of the jurisdiction of San Jacinto, August 8, 1830, in the *Texas Republican*, September 19, 1835; address to the committee of Columbia, August 15, in *The Texas Republican*, August 22 and 29, 1835.

General Sam Houston, a member of it, proposed a resolution recommending that the consultation, when it met, should investigate and declare null all extensive grants of land made by the legislature under suspicious circumstances since 1833.<sup>1</sup> The resolution was adopted, and a thousand copies in handbill form were distributed through the country. It was probably needed to convince many of the citizens that the war just beginning was not a "speculators' war,"<sup>2</sup> but it naturally drew a protest from the interested persons. Thomas F. McKinney, especially, wrote that he thought the consultation would not have adequate judicial authority to do any such thing. There was nothing "crooked" about the grants, anyway, he said; "If you will inform yourself as to the manner and condition of those grants you will see it is nothing more or less than a colonizing contract, differing from those heretofore made because the *empresarios* have to pay a certain price for the privilege of selling the lands to settlers. . . . So far as I am interested I have said and again say I am willing to yield up my interest in that speculation if the least good to this community can be done by it. I have eight leagues of land in addition in this colony and the upper colony which I will cheerfully resign to the country's cause at what I have paid for it, which is nearly nothing. But to have a foot of land to which I conceive I have any claim trespassed upon and wrested from me without my own consent is what I oppose and protest against and will resist so far as I have the means of resisting."<sup>3</sup>

Before the protest was received the council had already, on the 27th, passed a resolution closing the land offices and stopping all surveying until the meeting of the consultation, and, despite McKinney's view of the matter, the consultation "solemnly declared null, void, and of no effect all grants, sales, and conveyances of land, illegally and fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas."<sup>4</sup> This, too, of course, raised a storm of disap-

<sup>1</sup>THE QUARTERLY, VII 265, IX 287; *Telegraph and Texas Register*, October 26, 1835.

<sup>2</sup>Royall to Austin, October 16, 1835, Austin Papers, K27.

<sup>3</sup>McKinney to Royall, October 28, 1835, Archives of Texas, in the State Library.

<sup>4</sup>"Journal of the Permanent Council," in THE QUARTERLY, VII 273; Journals of the Consultation, 47.

proval in interested quarters, but no attention was paid to it and it gradually subsided. The final snarl in the tangle, so far as this paper will follow the subject, was the declaration in the first constitution of Texas annulling the act of the legislature passed in 1834 "in behalf of General John T. Mason, of New York, and that of March 14, 1835, "under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic."

5. *The Place of the Land Speculation in the Revolution.*

As to the part played by the speculators in the beginning of the revolution, contemporary opinion differs. By one we are told that the speculators for interested reasons prevented him from stirring the people up to their own defence. From another we have the contrary; that the speculators stirred up all the agitation in Texas, in order to shield themselves and save their grants. The truth seems to be that the speculators, who had spent some time in Mexico, had a keener sense of the danger from Santa Anna's plan of Centralism than their neighbors who stayed at home. When, therefore, upon their return, they lost no time in sounding the alarm, their motives were easily misunderstood. And the indifference manifested by many Texans throughout the revolution was due, it seems probable, to this misunderstanding. It played some part, as we have already seen, in the cool reception of Governor Viesca's appeal for assistance in May; it probably delayed the calling of the general consultation, which began to be agitated in the latter part of June; and finally it caused many to hesitate in their support of the Texan volunteers in the fall of 1835. They believed that it was a speculators' war.

The effect of the speculations was cumulative. A pretty brisk business of five years' duration raised scarcely a protest against the eleven-league grants, and Mason's large grant in 1834 attracted surprisingly little attention, but the laws of 1835, especially that of March 14, coming as the culmination of a wasteful agrarian policy disgusted and alienated many of the best citizens. One may, however, venture the opinion that neither the speculators nor

the speculations had much to do directly with causing the revolution.

It has been charged that interest in these speculations was the motive which drew many of the volunteers who came from the United States to the assistance of Texas. The writer has found no evidence to support such a charge. But in 1836 the Texans contracted several loans on the public land, and there is material to warrant the belief that those who advanced the money were ready, if the revolution had continued long enough, to enlist volunteers for the cause.